

*Note – This page will be replaced with a copy containing the assigned permit number once coverage is authorized.*

**SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL  
RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL AVENUE  
PIERRE, SOUTH DAKOTA 57501-3181**

**GENERAL PERMIT FOR STORM WATER DISCHARGES  
ASSOCIATED WITH INDUSTRIAL ACTIVITIES**

**AUTHORIZATION TO DISCHARGE UNDER THE  
SURFACE WATER DISCHARGE SYSTEM**

In compliance with the provisions of the South Dakota Water Pollution Control Act and the Administrative Rules of South Dakota (ARSD) Chapters 74:52:01 through 74:52:11, operators of **industrial** facilities, located in the State of South Dakota, are authorized to discharge of storm water associated with industrial activities in accordance with the conditions and requirements set forth herein.

This permit shall become effective on **November 15, 2003**

This permit and the authorization to discharge shall expire at midnight, **November 14, 2008**

Signed this **17th** day of **October, 2003**



Authorized Permitting Official

Steven M. Pirner  
Secretary  
Department of Environment and Natural Resources

Modified: **January 15, 2004**

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## **1.0 COVERAGE UNDER THIS PERMIT**

### **1.1 Permit Area**

This permit shall apply to storm water discharges located within the state of South Dakota.

### **1.2 Discharges Covered**

1. This permit shall authorize all new and existing discharges of storm water associated with industrial activity within the state of South Dakota for the categories of industries identified below. Discharges identified under Parts 1.3 and 1.4 are excluded from coverage.
  - a. Facilities classified as Standard Industrial Classifications 20 through 39 (See Attachment A for more information on Standard Industrial Classification codes);
  - b. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry). This includes active or inactive mining operations, and oil and gas exploration, production, processing, treatment, or transmission facilities discharging storm water that has come into contact with any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but have an identifiable owner/operator;
  - c. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under SDCL 34A-11, ARSD Article 74:28, or RCRA Subtitle C;
  - d. Landfills, land application sites, and open dumps that have received industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under SDCL 34A-6, ARSD Article 74:27, or RCRA Subtitle D;
  - e. Facilities involved in the recycling of materials including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards classified as Standard Industrial Classification 5015 and 5093;
  - f. Steam electric power generating facilities, including coal handling sites;
  - g. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are involved in vehicle maintenance (such as vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or other industrial activities are subject to this permit;



**1.5 Obtaining Authorization.**

1. A Notice of Intent (NOI) form must be signed in accordance with Part 7.7 and submitted to the address indicated on the NOI form to request coverage under this general permit for storm water discharges from industrial sites. This information must be submitted at least 15 days prior to commencing any industrial activity at the site.
2. Upon receipt of a complete NOI, the Secretary shall make the decision to grant or deny coverage, or request additional information. The applicant will receive a letter of authorization from the department once permit coverage is granted for storm water discharges from the industrial site(s).
3. Operators are not prohibited from submitting late NOIs. When a late NOI is submitted, authorization is only for discharges that occur after permit coverage is granted. The Secretary reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time industrial activity commenced and authorization of storm water discharges is granted.

**1.6 Notice of Intent (NOI).** The NOI form, provided by DENR (see Attachment C), shall be signed in accordance with Part 7.7 of this permit and shall include the following information:

1. The name, address, and telephone number of the operator filing the NOI form;
2. An indication of whether the operator is a federal, state, private, or other public entity;
3. The name (or other identifier), address, county, and legal location (i.e. section, township, range) of the industrial facility or site;
4. Confirmation that a storm water pollution prevention plan (SWPPP) has been developed or will be developed before operations begin (copies of the SWPPP or the permit should **not** be included with the NOI form);
5. The operational history of the facility;
6. An estimate of the number of acres of the site or facility; and
7. A brief description of the industrial activities and the best management practices to be used at the site.

**1.7 Additional Notification.**

1. Facilities that discharge storm water to a municipal separate storm sewer system shall submit signed copies of the NOI form to the municipal operator.
2. If the owner or operator of a permitted facility changes, the new owner or operator of the facility must submit a Change of Authorization form (Attachment B) to the Secretary at least two working days prior to the change.

**1.8 Terminating Coverage.**

1. Permittees wishing to terminate coverage under this permit must submit a Notice of Termination that is signed in accordance with Part 7.7 of this permit. Compliance with this permit is required until a Notice of Termination is submitted and approved by the Secretary.
2. Facilities meeting the criteria in Part 1.2 must maintain coverage under this permit until one or more of the following conditions have been met:
  - a. All storm water discharges authorized by this permit are eliminated; or
  - b. The facility qualifies for a no exposure exclusion (see Part 1.3).

## 2.0 SPECIAL CONDITIONS

2.1 **Non-Storm Water Discharges.** The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is identified in the storm water pollution prevention plan, with an explanation of pollution prevention measures to be implemented:

- Discharges from fire fighting activities;
- Routine external building washdown that does not use detergents or other compounds;
- Pavement washwaters where detergents are not used and where spills or leaks of toxic or hazardous materials have not occurred;
- Air conditioning condensate;
- Uncontaminated ground water; and
- Waters, used as a best management practice, to wash vehicles or control dust.

***Note: Concrete wash waters and truck wash-out waters are considered process wastewaters and are not authorized under this permit.***

2.2 **Unauthorized Release of Regulated Substances.** This permit does not authorize the discharge of any regulated substance listed in ARSD § 74:34:01:03, including, but not limited to, fertilizers, pesticides, and petroleum substances such as oil and gasoline. If a release occurs, the storm water pollution prevention plan shall be modified and changes implemented, as appropriate. The plan must identify and address the following measures:

- Ways to prevent the reoccurrence of such releases;
- The proper response to such releases if and when they do occur; and
- Steps to prevent pollutants from contaminating storm water runoff.

If a release occurs, the permittee is also required to notify the DENR Ground Water Quality Program at (605) 773-3296 or Emergency Management at (605) 773-3231 (during non-business hours). The permittee may be required to sample the discharge.

### 3.0 STORM WATER POLLUTION PREVENTION PLAN

#### 3.1 Storm Water Pollution Prevention Plan.

1. The Permittee shall develop and implement a **Storm Water Pollution Prevention Plan**, also referred to as the **plan**, to address specific conditions at the industrial facility. The goal of the plan is to eliminate or minimize contact of storm water with materials or activities that may result in pollution of the runoff. If contact cannot be eliminated or reduced, storm water should be treated before it is discharged from the site.
2. The plan is not submitted to the DENR unless requested by the Secretary, but must be retained at the facility. The general requirements of the plan are included below.

#### 3.2 Deadlines for Plan Preparation and Implementation.

1. **New facilities.** The storm water pollution prevention plan must be developed **prior** to the submittal of the NOI form. The plan must be implemented before initiating any industrial activity.
2. **Existing facilities.** Permittees covered under the previous version of this permit must revise their plan, if necessary, to comply with the requirements of this permit. The plan must be updated within 30 days of the effective date of this permit.

#### 3.3 Keeping Plans Current.

1. The permittee shall modify the plan whenever there is a change in design, construction, operation, or maintenance that changes the potential for the discharge of pollutants to waters of the state. The plan shall also be modified if it proves to be ineffective in eliminating or minimizing pollutants present in storm water.
2. The Secretary may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of the permit. This notification will identify the provisions of the permit that are not being met by the plan and identify which provisions require modifications in order to meet the minimum requirements. Within thirty (30) days of notification, the permittee shall make the required changes to the plan and shall submit to the Secretary a written certification that the requested changes have been made. The Secretary may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of this permit.

#### 3.4 Contents of the Plan. The plan shall include, at a minimum, the following items:

1. **Personnel Responsibilities.** Each plan shall identify personnel responsible for implementing, maintaining, and revising the plan, as well as those responsible for the reporting requirements of this permit. This should include the facility contact person indicated on the NOI. The plan shall clearly identify the responsibilities of personnel. All aspects of the facility's plan must be addressed in the personnel activities and responsibilities.

2. **Site Map.** A site map shall be included with the plan and should indicate the following, if applicable:
  - a. Drainage areas and directions of storm water runoff (indicated by arrows);
  - b. Discharge outfalls from the site (structures that carry storm water runoff from the facility such as floor drain systems, ditches, culverts, or storm sewers);
  - c. The name and location of waters of the state that receive facility storm water runoff (if waters of the state are too distant from the facility to be indicated on the site map, indicate the name, direction and shortest distance to the lake, river, stream or wetland that receives runoff from your site);
  - d. Areas where materials are exposed to storm water;
  - e. Locations of storm sewer inlets (such as municipal storm sewers) and an indication of which, if any, structures have floor drains or loading dock drains that are connected to storm sewers;
  - f. Locations and types of Best Management Practices (BMPs) currently installed at the facility to reduce or eliminate pollutants to storm water;
  - g. Locations where spills or leaks have occurred; and
  - h. Areas of concern, including but not limited to: fueling stations; vehicle and equipment maintenance and/or cleaning areas; loading/unloading areas; locations used for the treatment, storage, or disposal of wastes; liquid storage tanks; processing areas; and storage areas.
3. **Inventory of Exposed Materials.** The plan shall include an inventory of the types of materials handled at the site that are potentially exposed to precipitation. This inventory shall include:
  - a. A narrative description of materials that have been handled, treated, stored, or disposed of in a manner allowing exposure to storm water between the time of three years prior to the date of the coverage under this permit and the present;
  - b. The method(s) and location(s) of on-site storage or disposal;
  - c. Materials management practices employed to minimize contact of materials with storm water runoff between the time of three years prior to the date of coverage under this permit and the present; and
  - d. The location and a description of existing structural and non-structural control or treatment measures to reduce pollutants in storm water runoff.
4. **Risk Identification and Summary of Potential Pollutant Sources.** In creating the inventory of exposed materials, the permittee must, at a minimum, evaluate the following

areas at the industrial site (as well as other areas where appropriate) to determine whether or not materials are exposed in these areas:

- a. Vehicle and equipment maintenance, parking and storage areas, fueling areas, and washing/cleaning areas to determine if there is discolored soil evident as a result of fuel and lubricant leaks and spills;
- b. Liquid storage tanks and other bulk material stockpile areas;
- c. Loading and unloading areas;
- d. Outdoor manufacturing, processing or storage areas, and industrial plant yards to determine if there is discolored soil in these areas as a result of leaked or spilled solvents, fuels, or lubricants;
- e. Dust or particulate generating areas, including dust collection devices that may release dust;
- f. Rooftops contaminated by industrial activity or operation of a pollution control device;
- g. On-site waste disposal areas, such as waste ponds, dumpsters, solid waste storage or management areas; and
- h. Exposed (non-vegetated) soil areas where there is a potential for erosion to occur.

5. **Pollutant Source Considerations.** Each plan shall identify and describe all activities and materials that may be potential pollutant sources. The plan shall include a prediction of the direction of flow and an identification of the types of pollutants that are likely to be present in storm water discharges. Factors to consider include: the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants.

6. **Spills and Leaks.** The plan shall include a list of spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to precipitation or drain to a storm water conveyance at the facility. This list shall contain information from three years prior to the effective date of coverage under this permit and updated as appropriate during the term of the permit.

7. **Sampling Data.** A summary of existing sampling data describing pollutants in storm water discharges from the facility. This includes a summary of any voluntary sampling data collected during the term of this permit.

3.5 **Storm Water Controls.** The permittee shall develop, describe, prioritize, and implement appropriate storm water management controls for the facility. The description of the controls shall address the following minimum components, including a schedule for implementing the controls:

1. **Best Management Practices.** Describe appropriate Best Management Practices (BMPs), including structural and non-structural BMPs, that will be used at the facility to minimize or eliminate pollution of storm water at the site. The description must include an objective for each BMP, as well as a description of how to evaluate proper functioning of the BMP and any maintenance requirements of the BMP. BMPs should target materials and pollutant sources. The following general categories of BMPs shall be considered and incorporated, as appropriate, into the facility's plan if materials are exposed to storm water on-site:
  - a. **Source reduction:** Reduce or eliminate the materials that are exposed to storm water. Materials management practices should be evaluated to determine if and how inventories of exposed materials can be reduced or eliminated. This can include clean-up of old equipment yards, periodic checking of dust control equipment to ensure there is no accumulation of dust in the area around the control equipment, removal and treatment of petroleum contaminated soil, consolidation of materials from many different areas into one area, and training employees regarding proper handling and disposal of materials. Materials may also be moved indoors or covered with a tarp or structure to eliminate contact with precipitation.
  - b. **Diversion:** Divert storm water drainage away from exposed materials through use of curbing, berms, sewers, or other forms of drainage control or elevate exposed significant material above surrounding drainage.
  - c. **Treatment:** Where contact of storm water with materials is unavoidable, use treatment devices to reduce the concentration and amount of pollutants in the discharged storm water. Such devices include oil/water separators, storm water detention/retention ponds, and vegetated swales.
2. **Good Housekeeping.** Good housekeeping requires maintaining, in a clean, orderly manner, any areas that may contribute pollutants to storm water discharges. A maintenance schedule shall be developed for these areas.
3. **Preventive Maintenance.** A preventive maintenance program must require regular inspections and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins, etc.) and testing facility equipment and systems to uncover and prevent conditions that could cause breakdowns or failures (such as hydraulic leaks, torn bag-house filters, etc.) resulting in discharges of pollutants to surface waters.
4. **Spill Prevention and Response Procedures.** The plan shall clearly identify areas with potential for spills that can contribute pollutants to storm water discharges, and their accompanying drainage points. Where appropriate, the plan should specify material handling procedures, storage requirements, and use of equipment such as diversion valves. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The equipment necessary to implement a clean-up shall be available to personnel. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of chemicals

can be isolated and contained. Sampling of discharges may also be required as a result of a spill.

5. **Employee Training.** Employee training programs shall inform all personnel responsible of their role in implementing activities identified in the plan. Training should address topics such as spill response, good housekeeping, material management practices, truck wash out procedures, and equipment washdown procedures. The plan shall identify periodic dates for such training. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.
  6. **Recordkeeping Procedures.** The plan shall include a description of incidents (such as spills or other discharges) and any other information describing the quality and quantity of storm water discharges. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan.
  7. **Non-Storm Water Discharges.** The plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include the identification of potential sources of non-storm water at the site, a description of the results of any tests or evaluation for the presence of non-storm water discharges, the evaluation criteria or testing method used, the date of any testing or evaluation, and the on-site drainage points that were directly observed during the test or evaluation. A discharger that is unable to provide the certification required by this paragraph must notify the Secretary.
  8. **Dry Weather Screening.** Evaluate all discharge conveyances from the site (storm sewers, pipes, tile lines, ditches, etc.) to determine if liquids other than storm water are being discharged from these devices. This should be done during dry weather when storm water discharge is not occurring. The evaluation should cover sewer inlets and floor drains to determine which inlets/drains are connected to sanitary sewer lines, storm sewer lines, or septic tanks/drainage fields. Appropriate methods such as dye or smoke testing or video imaging should be used to determine the source of discharges. Discharge of non-storm water (such as sanitary sewer or floor drain connections to storm sewers) is not authorized by this permit. Before such discharge may continue, authorization under an appropriate discharge permit must be obtained.
  9. **Sediment and Erosion Control.** The plan shall identify areas that have a high potential for significant soil erosion due to topography, activities, or other factors. The plan must also identify the structural, vegetative, or stabilization measures used to reduce or eliminate erosion.
- 3.6 **Comprehensive Site Compliance Evaluations.** The permittee shall conduct a comprehensive site compliance evaluation at least once a year, and a written report made of the results. The evaluations shall include:
1. Areas contributing to a storm water discharge shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly

implemented or whether additional control measures are needed. Structural controls, sediment and erosion controls, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

2. Within two weeks of the inspection, the description of potential pollutant sources identified in the plan shall be revised based on the results of the inspection. Within 12 weeks after the inspection, the changes to the plan shall be implemented. Where a report does not identify any incidents of non-compliance, the permittee shall certify the facility is in compliance with the plan and this permit.
3. The report shall summarize the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the plan, actions taken, and identification of any incidents of non-compliance. The report shall be signed in accordance with Part 7.7. All inspection reports shall be retained as part of the plan.

**3.7 Inspections.** In addition to the comprehensive site compliance evaluations described above, site inspections shall be conducted **at least semi-annually**. An appropriately trained person, familiar with the permit conditions and the pollution prevention plan, must conduct the inspections. The purpose of inspections is to: 1) determine whether structural and non-structural BMPs require maintenance or changes, and 2) evaluate the completeness and accuracy of the plan. At least one inspection each calendar year should be conducted while storm water is discharging from the facility. Inspection results and corrective actions taken in response to any deficiencies or opportunities for improvement identified during the inspection must be documented in the plan.

**3.8 Additional Requirements for Discharges to Municipal Storm Sewer Systems.**

1. Facilities discharging into a municipal separate storm sewer system (MS4) may also have to comply with additional requirements, as outlined within a municipal operator's storm water management program or ordinance.
2. Any permittee that discharges storm water into a municipal separate storm sewer system shall make the pollution prevention plan available to the municipality upon request.

**3.9 Additional Requirements for Salt Storage.** Storage piles of salt that generate a storm water discharge to waters of the state shall be enclosed or covered to prevent exposure to precipitation, except when adding or removing materials from the pile.

Modified: January 15, 2004  
Effective: January 15, 2004

#### 4.0 ADDITIONAL REQUIREMENTS FOR COAL PILE RUNOFF

1. Any discharge of storm water associated with industrial activity from coal pile runoff shall be addressed in accordance with the following provisions:
  - a. The facility is required to collect and analyze at least one sample of a storm water runoff event **semi-annually** for oil and grease (mg/L), pH (standard units), total suspended solids (TSS) (mg/L), total recoverable copper (mg/L), total recoverable nickel (mg/L), and total recoverable zinc (mg/L).
  - b. The TSS shall not exceed 50 mg/L at any time and the pH shall be maintained between 6.0 standard units and 9.0 standard units at all times.
2. Sampling shall be in accordance with Part 5.0 of this permit.
3. When a facility is unable to collect a sample due to adverse climatic conditions (e.g., local flooding, high winds, tornadoes, electrical storms, drought, extended frozen conditions, etc.), the facility must include a description of why samples could not be taken. The permittee may use this sampling waiver only once during a two-year period.

## **5.0 MONITORING REQUIREMENTS**

### **5.1 Monitoring**

1. Sampling and testing of storm water for specific parameters is not required on a routine basis under this permit (with the exception of coal pile runoff). The Secretary reserves the right to require sampling and testing, on a case-by-case basis, in the event that there is reason to suspect that compliance with the POLLUTION PREVENTION PLAN is a problem, or to measure the effectiveness of the BMPs in removing pollutants in the effluent.
2. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity and must be conducted according to test procedures approved under 40 CFR Part 136 (adopted by reference in ARSD 74:51:01:22).

**5.2 Records.** The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Secretary at any time. Data collected on site, the plan, and a copy of this permit must be maintained on site during the duration of activity at the permitted location. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The time(s) analyses were initiated;
5. The initials or name(s) of the individual(s) who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used;
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results;
8. The date and duration of the storm event sampled;
9. An estimate of the amount of rainfall;
10. The number of days since the last measurable rain event; and
11. estimated total volume discharged at that outfall during the monitored event.

## **6.0 RETENTION OF RECORDS**

1. The permittee shall retain on-site, or make readily available, a copy of the plan and DENR's letter granting coverage under this permit.
2. If the No Exposure exclusion has been approved, a copy of the No Exposure Certification form and approval letter must be made available.
3. The permittee shall retain copies of storm water pollution plans and all reports required by this permit for a period of at least three years. This period may be extended by request of the Secretary at any time.
4. All reports and documents required by this permit shall, upon request of the Secretary, be submitted to the South Dakota Department of Environment and Natural Resources at the address below:

South Dakota Department of Environment and Natural Resources  
Surface Water Quality Program  
523 East Capitol Ave.  
Pierre, SD 57501-3181

## 7.0 STANDARD PERMIT CONDITIONS

### 7.1 **Duty to Comply.**

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the South Dakota Water Pollution Control Act and the federal Clean Water Act and is grounds for enforcement action; for termination of permit coverage, revocation and reissuance, or modification; or for denial of a permit renewal. The permittee shall give the Secretary advance notice of any planned changes at the permitted facility or of an activity that may result in permit noncompliance.
2. Any person who violates a permit condition or makes any false statement, representation, or certification, may be subject to enforcement action under South Dakota Codified Law (SDCL), Chapter 34A-2.
3. The permittee is responsible for complying with all local ordinances and requirements. Local governments may have additional or more stringent requirements than those included in this permit.

7.2 **Continuation of the Expired General Permit.** An expired general permit continues in full force and effect until a new general permit is issued. Coverage under the continued permit will be issued to new applicants submitting a NOI in compliance with Part 1.5. Any permittee already covered under the general permit at the time of expiration will continue to have coverage until a new general permit is issued. To obtain coverage under the new permit, a *Notice of Intent for Reauthorization* and *Certification of Applicant* must be submitted in accordance with information provided with the renewal notice. Upon the effective date of the new permit, the existing permit will be terminated.

7.3 **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

7.4 **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

7.5 **Duty to Provide Information.** The permittee shall furnish to the Secretary, within a reasonable time, any information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Secretary, upon request, copies of records required to be kept by this permit.

7.6 **Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Secretary, he or she shall promptly submit such facts or information.

**7.7 Signatory Requirements.** All Notices of Intent and Termination, plans, reports, certifications or information submitted to the Secretary, shall be signed and certified.

1. All Notices of Intent and Termination shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Secretary. The authorization shall specify either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company.
  - b. If an authorization under this section is no longer accurate because a different operator has responsibility for the overall operation of the industrial site, a new letter of authorization satisfying the requirements of this section must be submitted to the Secretary prior to, or together with, any reports, information, or applications to be signed by an authorized representative.
3. The following certification statement must be included with any documents signed under this section:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**7.8 Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the federal Clean Water Act.

- 7.9 **Property Rights.** The Secretary's issuance of this permit does not convey any property rights of any sort, any exclusive privileges, any authorization to damage, injure or use any private property, any authority to invade personal rights, any authority to violate federal, state or local laws or regulations, or any taking, condemnation or use of eminent domain against any property owned by third parties. The State does not warrant that the permittee's compliance with this permit and operation under this permit will not cause damage, injury or use of private property, an invasion of personal rights, or violation of federal, state or local laws or regulations. The permittee is solely and severably liable for all damage, injury or use of private property, invasion of personal rights, infringement of federal, state or local laws and regulations, or taking or condemnation of property owned by third parties, which may result from actions taken under the permit.
- 7.10 **Severability.** Any portion of this permit that is found to be void, or is challenged, shall not affect the validity of the various permit requirements that are not void or challenged.
- 7.11 **Requiring an Individual Permit or an Alternative General Permit.** The Secretary may either deny coverage or require any person requesting coverage under the general permit to apply for, and obtain, an individual Surface Water Discharge permit or coverage under an alternative general permit. Cases where an individual permit may be required include the following:
1. The permittee is not in compliance with the conditions of the general permit;
  2. A change has occurred in the availability of demonstrated technologies or practices for the control or abatement of pollutants applicable to industrial sites;
  3. Effluent limitation guidelines are promulgated for point sources covered by this general permit;
  4. A discharge is determined to cause or contribute to a violation of water quality standards, and violations remain or re-occur despite changes to the pollution prevention plan;
  5. A TMDL is developed and implemented for a waterbody into which the industry discharges, and the plan is not modified to meet the TMDL allocations; or
  6. The discharge is a significant contributor of pollution to waters of the state or it presents a health hazard.
- 7.12 **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all systems of treatment and control that are used to achieve compliance with the conditions of this permit. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.
- 7.13 **Inspection and Entry.** The permittee shall allow the Secretary, the EPA Regional Administrator, or the operator of a municipal separate storm sewer system receiving

discharges from the site, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the South Dakota Water Pollution Control Act, any substances or parameters at any location.

7.14 **Permit Actions.** This permit may be modified, revoked and reissued, or terminated by the Secretary for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

## 8.0 DEFINITIONS

1. **“Best Management Practices” (“BMPs”)** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control industrial site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
2. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility.
3. **“Coal Pile Runoff”** means the runoff from or through any coal storage pile.
4. **“Construction Activity”** means activities including clearing, grading, and excavating, which result in the disturbance of one or more acres of total land area. See the General Permit for Storm Water Discharges Associated with Construction Activities for more information.
5. **“Control Measures”** as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the state.
6. **“DENR”** means the South Dakota Department of Environment and Natural Resources.
7. **“Land Application System”** means an operation that places solid wastes onto or incorporates solid wastes into the soil surface.
8. **“Landfill”** means a solid waste disposal facility or part of a facility where solid waste is permanently placed in or on land.
9. **“Materials”** include, but are not limited to: raw materials; fuels; solvents; detergents; any chemical the facility is required to report pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA); fertilizers; pesticides; and waste products such as ashes, slag, and sludge that have the potential to be released with storm water discharges.
10. **“Municipal Separate Storm Sewer System”** or **“MS4”** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), as defined in 40 CFR 122.26(b)(8), and:
  - (i) Owned or operated by a municipality;
  - (ii) Designed or used for collecting or conveying storm water;
  - (iii) Which is not a combined sewer; and
  - (iv) Which is not part of a Publicly Owned Treatment Works.

11. **“Municipality”** means a city, town, county, district, sanitary district, or other public body created by or under state law with jurisdiction over the disposal of sewage, industrial wastes, or other wastes.
12. **“No Exposure”** exists at an industrial facility when all industrial materials and activities are protected to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities such as material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products must be protected by a storm resistant shelter. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:
  - Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. “Sealed” means banded or otherwise secured and without operational taps or valves;
  - Adequately maintained vehicles used in material handling; and
  - Final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).
13. **“NOI”** means Notice of Intent to be covered by this permit.
14. **“Point Source”** means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged.
15. **“Pollutant”** is defined at ARSD § 74:52:01(35). A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, and industrial or municipal waste.
16. **“Process Wastewater”** means water which, during manufacturing or processing, comes into direct contact with, or results from, the production or use of a raw material, intermediate product, finished product, by-product, or waste product.
17. **“Publicly Owned Treatment Works” or “POTW”** means any device or system used in a treatment, including recycling and reclamation, of municipal sewage or industrial waste of a liquid nature which is owned by the state or a municipality. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.
18. **“Regulated Substance”** means the compounds designated by the department under ARSD § 74:34:01:03, including but not limited to fertilizers, pesticides, and petroleum

substances such as oil and gasoline. This term does not include sewage and sewage sludge.

19. “**Secretary**” means the Secretary of the Department of Environment and Natural Resources, or an authorized representative.
20. “**Storm Water**”, for the purpose of this permit, means storm water runoff, snow melt runoff, or surface runoff and drainage.
21. “**Storm Water Discharge Associated with Industrial Activity**”, as defined in 40 CFR § 122.26(b)(14), means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant and considered to be engaging in “industrial activity.” The term does not include discharges from facilities or activities excluded from the program under 40 C.F.R. Part 122.
22. “**SWD**” means Surface Water Discharge.
23. “**Treatment Works Treating Domestic Sewage**” means a Publicly Owned Treatment Works or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices. For purposes of this definition, "domestic sewage" includes waste and wastewater from humans or household operations that are discharged or otherwise enter a treatment works.
24. “**Waste Pile**” means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
25. “**Waters of the State**” means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state, but not waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA other than cooling ponds as defined in 40 C.F.R. § 423.11(m) (July 1, 1991).

**ATTACHMENT A**

## LIST OF STANDARD INDUSTRIAL CLASSIFICATION CODES

The **Standard Industrial Classification (SIC) Code(s)** for a facility usually determines whether permit coverage is required. The 4-digit SIC Codes are assigned according to the primary activities performed by a company. They are often assigned for insurance purposes or when a business registers as a corporation. Industries can also determine their SIC Code by checking with their trade association, Chamber of Commerce, legal counsel, or library for the SIC Manual.

The industrial categories requiring storm water permit coverage are listed here by their SIC Code. The manufacturing industries are generally represented by SIC Codes 20-39. (A two-digit code, such as 42, means that **all** industries under that heading, from 4200 to 4299, are covered. Some common SIC codes are listed in *italics*.)

Below is a list of Industrial Facilities that are required to obtain a storm water discharge permit.

SIC Code	Industry Type	Notes
10	Metal mining and milling	
<i>1041</i>	<i>Gold Ores</i>	
12	Coal mining	
13	Oil and gas extraction	
14	Mining and quarrying of nonmetallic minerals except fuels	
<i>1422</i>	<i>Crushed &amp; Broken Limestone</i>	
<i>1442</i>	<i>Construction Sand &amp; Gravel</i>	
20	Food and kindred products	
<i>2041</i>	<i>Flour and Other Grain Mill Products</i>	
<i>2048</i>	<i>Prepared feed and feed ingredients for animals &amp; fowls, except cats &amp; dogs</i>	
21	Tobacco products	
22	Textile mills	
23	Apparel and other finished products made from fabric and similar material	
24	Lumber and wood products except furniture	
<i>2421</i>	<i>Sawmills &amp; Planing Mills</i>	
<i>2491</i>	<i>Wood Preserving</i>	
25	Furniture and fixtures	
26	Paper and allied products	
27	Printing, publishing, and allied products	
28	Chemicals and allied products	
29	Petroleum refining and related industries	
<i>2951</i>	<i>Asphalt Paving Mixtures and Blocks</i>	
30	Rubber and miscellaneous plastics products	
31	Leather Products	

SIC Code	Industry Type	Notes
3111	<i>Leather tanning and finishing</i>	
32	Stone, clay, glass and concrete products	
3273	<i>Ready mix concrete facilities</i>	
33	Primary metals industries	
34	Fabrication of metal products, except machinery and transportation equipment	
35	Industrial and commercial machinery and computer equipment	
36	Electronic and other electrical equipment and components, except computer equipment	
37	Transportation equipment	
3715	<i>Truck Trailers</i>	
38	Measuring, analyzing, and controlling instruments: photographic, medical, and optical goods, watches and clocks	
39	Miscellaneous manufacturing industries	
40	Railroad transportation	(a)
41	Local and suburban transit and interurban highway passenger transportation	(a)
42	Motor freight transportation and warehousing (except)	(a)
	4221 Farm Product warehousing and storage	
	4222 Refrigerated warehousing and storage	
	4225 General warehousing and storage	
43	US Postal Facilities	(a)
44	Water Transportation	(a)
45	Transportation by Air	(a)
4911	<i>Steam electric power generation (all fuel types)</i>	
4952	<i>Wastewater treatment facilities with a design flow of 1.0 MGD or more</i>	
4953	<i>Hazardous waste treatment, storage or disposal facilities; incinerators (including boilers and industrial furnaces) that burn hazardous waste; and active or inactive landfills, land application sites, or open dumps with industrial waste and without a stabilized final cover</i>	
5015	<i>Motor vehicle parts, used</i>	
5093	<i>Scrap and waste materials</i>	
5171	<i>Petroleum bulk stations and terminals</i>	

Notes:

(a)

In this SIC Code, only facilities that are involved in vehicle maintenance (such as vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing need a storm water permit.

**ATTACHMENT B**



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHANGE OF AUTHORIZATION/NAME CHANGE  
for Coverage Under the SWD General Permit for  
Storm Water Discharges Associated with Industrial Activities

General Permit Number: \_\_\_\_\_

Previous Company/Operator Name: \_\_\_\_\_

New Company/Operator Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Facility Address: \_\_\_\_\_

Legal Location: \_\_\_\_\_

Storm Water Receiving Waters: \_\_\_\_\_

Municipal Storm Sewer/City: \_\_\_\_\_

Please include a brief description of activities conducted at the site:

Date transfer of permit responsibility, coverage and liability becomes effective\*: \_\_\_\_\_

\*Include the written agreement between the two facilities which includes this date.

Send to: Department of Environment and Natural Resources  
Surface Water Quality Program  
523 East Capitol  
Pierre, SD 57501-3181

**\*\* NOTE: Any change in location and/or operation requires that the facility's Storm Water Pollution Prevention Plan be updated and revised to reflect all operational changes.**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

and I, \_\_\_\_\_, the applicant in the above matter after being duly sworn upon oath hereby certify the following information in regard to this application:

South Dakota Codified Laws Section 1-40-27 provides:

"The secretary may reject an application for any permit filed pursuant to Titles 34A or 45, including any application by any concentrated swine feeding operation for authorization to operate under a general permit, upon making a specific finding that:

(1) *The applicant is unsuited or unqualified to perform the obligations of a permit holder based upon a finding that the applicant, any officer, director, partner or resident general manager of the facility for which application has been made:*

- (a) *Has intentionally misrepresented a material fact in applying for a permit;*
- (b) *Has been convicted of a felony or other crime involving moral turpitude;*
- (c) *Has habitually and intentionally violated environmental laws of any state or the United States which have caused significant and material environmental damage;*
- (d) *Has had any permit revoked under the environmental laws of any state or the United States; or*
- (e) *Has otherwise demonstrated through clear and convincing evidence of previous actions that the applicant lacks the necessary good character and competency to reliably carry out the obligations imposed by law upon the permit holder; or*

(2) *The application substantially duplicates an application by the same applicant denied within the past five years which denial has not been reversed by a court of competent jurisdiction. Nothing in this subdivision may be construed to prohibit an applicant from submitting a new application for a permit previously denied, if the new application represents a good faith attempt by the applicant to correct the deficiencies that served as the basis for the denial in the original application.*

All applications filed pursuant to Titles 34A and 45 shall include a certification, sworn to under oath and signed by the applicant, that he is not disqualified by reason of this section from obtaining a permit. In the absence of evidence to the contrary, that certification shall constitute a prima facie showing of the suitability and qualification of the applicant. If at any point in the application review, recommendation or hearing process, the secretary finds the applicant has intentionally made any material misrepresentation of fact in regard to this certification, consideration of the application may be suspended and the application may be rejected as provided for under this section.

Applications rejected pursuant to this section constitute final agency action upon that application and may be appealed to circuit court as provided for under chapter 1-26."

Pursuant to SDCL 1-40-27, I certify that I have read the forgoing provision of state law, and that I am not disqualified by reason of that provision from obtaining the permit for which application has been made.

**NOTE:** The Notice of Intent must be signed by the authorized chief elective, an executive officer or a corporate responsible official of the applicant, or by the applicant, if an individual.

***I declare and affirm under the penalties of perjury that this certification has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.***

Name (print) \_\_\_\_\_  
Title \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

**PLEASE ATTACH SHEET DISCLOSING ALL FACTS PERTAINING TO SDCL 1-40-27 (1) (a) THROUGH (e). ALL VIOLATIONS MUST BE DISCLOSED, BUT WILL NOT AUTOMATICALLY RESULT IN THE REJECTION OF AN APPLICATION.**

**ATTACHMENT C**

**DENR FORMS**  
**Storm Water Permit**

The following forms are available from the South Dakota Department of Environment and Natural Resources for use in administration of the Storm Water Program:

1. **Notice of Intent (NOI)** – application form for obtaining coverage under the general permit
2. **Notice of Termination (NOT)** – form to discontinue coverage under the permit
3. **Change of Authorization (COA)** – form to update information or transfer ownership of a permitted site/activity
4. **No Exposure Certification** – form to request an exclusion from the permitting requirements for a facility where no activity or product is exposed to storm water

All forms developed by the department for the Storm Water Program can be obtained by contacting the department in one of the following ways to request a copy:

**Internet:**

[www.state.sd.us/denr/des/surfacewater/stormwater.htm](http://www.state.sd.us/denr/des/surfacewater/stormwater.htm)

**Phone:**

1-800-SDSTORM (737-8676)

**Fax:**

(605) 773-5286

**Mail:**

SDDENR  
Surface Water Quality Program  
523 East Capitol Ave.  
Pierre, SD 57501-3181

Please Note: *While the department has provided several options for obtaining copies of these forms, at this time the department cannot accept electronic submittals (e-mail or fax) of the completed forms. Original copies of all forms must be received before respective requests can be processed.*

## STATEMENT OF BASIS

**Permit Type:** General Surface Water Discharge Permit for **Industrial Activities** in South Dakota

The statements in this document are intended solely as supporting documentation to aid in complying with the Storm Water Regulations. This document is **not** a substitute for reading the “General Permit for Storm Water Discharges Associated with Industrial Activities” and understanding all its requirements as they apply to the facility or site.

### BACKGROUND

In 1987, Congress amended the Clean Water Act to require implementation of a comprehensive national program for addressing storm water discharges. The first phase of the program, commonly referred to as “Phase I,” was promulgated on November 16, 1990. Under Phase I, the Environmental Protection Agency (EPA) established the permitting requirements for “storm water discharges associated with industrial activity.” This definition included 11 categories of industrial activity, primarily based on a facility’s Standard Industrial Classification (SIC) code. *(Please note: On January 1, 1997, the Economic Classification Policy Committee changed the four-digit SIC code to a six-digit North American Industry Classification System (NAICS) code. Either number may be used in applying for the permit. More information and an industrial list for each of the different coding systems can be found on the US Census Bureau’s website at [www.census.gov/epcd/www/naicstab.htm](http://www.census.gov/epcd/www/naicstab.htm))*

Under the Phase II regulations, promulgated on December 8, 1999, no new categories of industrial activity were added to the program. However, the Phase II regulations include a revised conditional no exposure exclusion that is applicable to all regulated categories of industrial activity. More information on the exclusion is included later in this document.

The South Dakota Department of Environment and Natural Resources (DENR) has been the delegated permitting authority for the Storm Water Program within the State of South Dakota since December 30, 1993. The federal storm water regulations have been adopted, by reference, into the Administrative Rules of South Dakota (ARSD) Chapters 74:52:01 through 74:52:11.

### INTRODUCTION

Industrial activities have the potential to produce many pollutants that may contaminate storm water runoff. Pollutants such as pesticides, toxic chemicals, hazardous materials, metals, oil, and other materials that may be harmful to humans, fish, wildlife, and plants can contaminate storm water and enter waters of the state. When these materials are not properly handled or stored, the resulting contact, leaks, and/or spills can pollute storm water and can impact drinking water sources and waters protected for recreation, aquatic life, and other beneficial uses.

The intent of the storm water regulations is to improve and protect water quality by reducing or eliminating contaminants in storm water. Storm water runoff consists of rainwater or melted

snow that runs off the land and directly (or indirectly by way of storm sewers) enters waters of the state, such as lakes, rivers, streams, wetlands, and ponds. The term “industrial activity” includes point source discharges from areas undergoing operations such as manufacturing, mining, transportation facilities, power plants, airports, landfills, wastewater treatment plants, and recyclers. A complete list of industrial activities requiring permit coverage is included in Attachment A or the proposed permit.

The proposed storm water permit does not authorize any non-storm water discharges, such as process wastewaters or wash waters (including, but not limited to, truck wash out waters, vehicle wash waters, aggregate cleaning wastewater, etc.). An appropriate Surface Water Discharge permit must be obtained before allowing such discharges.

## **PERMIT DESCRIPTION**

DENR is renewing the general permit for storm water discharges associated with industrial activities. This general permit contains requirements that are based on technology considerations, Best Management Practices, and other conditions applicable to the types of storm water generated by industrial activities. The proposed permit will replace the current permit, which was issued on December 15, 1997.

A general permit is being issued for industrial operations within the State of South Dakota. The general permit regulations of ARSD § 74:52:02:46, provide for the issuance of general permits where covered facilities:

1. Are within prescribed geographic boundaries;
2. Involve substantially the same types of operations;
3. Discharge the same types of wastes;
4. Require the same effluent limits or operating conditions;
5. Require similar monitoring; and
6. Are more appropriately controlled under a general permit than individual permits.

South Dakota is proposing to issue a general permit under the Surface Water Discharge System for storm water discharges associated with industrial activities. The intent of a general permit for storm water associated with these activities is to:

1. Provide timely permitting for affected facilities;
2. Establish uniform criteria for management practices and effluent limits for discharges from these activities; and
3. Promote consistent permitting with respect to these activities.

## **COVERAGE UNDER THE GENERAL PERMIT**

To obtain coverage under the proposed general permit for discharges associated with industrial activities, a Notice of Intent (NOI) form must be submitted to DENR at least 15 days prior to operational start-up. The Secretary then makes the decision to grant or deny coverage, or request

additional information. A copy of the NOI form is available at the department's storm water website ([www.state.sd.us/denr/des/surfacewater/stormwater.htm](http://www.state.sd.us/denr/des/surfacewater/stormwater.htm)) or by contacting DENR at 1-800-SDSTORM (737-8676).

For existing industrial operations already covered under the current storm water general permit for industrial activities, a Notice of Intent for Reauthorization and Certification of Applicant (COA) needs to be submitted to continue coverage under this new permit. Coverage under the existing general storm water permit will expire within 30 days of the effective date of the new permit. This will provide a reasonable opportunity to submit a complete Notice of Intent for Reauthorization under the new general permit, or to properly request termination of coverage under the current permit.

## **NO EXPOSURE**

The regulations provide an exclusion from the storm water permitting requirements for those facilities whose industrial materials or activities are not exposed to precipitation or runoff. If there is no exposure to storm water at an industrial facility, then a storm water permit is not required for that facility.

An industrial facility is eligible for the No Exposure exclusion when all industrial materials and activities are protected to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities such as material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products must be protected by a storm resistant shelter. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

1. Drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. "Sealed" means banded or otherwise secured and without operational taps or valves;
2. Adequately maintained vehicles used in material handling; and
3. Final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

A No Exposure Certification form must be provided for each facility that wishes to be conditionally excluded from the permitting requirements. The exclusion from storm water permitting is available on a facility-wide basis only, not for individual outfalls or points of runoff. If any industrial activities or materials are or will be exposed to precipitation, the entire facility is not eligible for the no exposure exclusion. If changes at a facility result in industrial activities or materials becoming exposed to storm water, the no exposure exclusion no longer applies. If DENR determines that a facility's storm water discharges have a reasonable potential to cause or contribute to a violation of applicable water quality standards, the no exposure exclusion can be denied.

Industrial facilities wishing to be conditionally excluded from permitting requirements must submit a certification form to DENR. By submitting this form, the facility is certifying there is no exposure to storm water at the site. The No Exposure Certification form is available from DENR.

## **STORM WATER POLLUTION PREVENTION PLAN**

Permittees authorized to discharge storm water under this proposed permit must develop and implement a Storm Water Pollution Prevention Plan prior to the start of any industrial activity at the site. This plan details the Best Management Practices (BMPs) the permittee will implement to reduce or eliminate a discharge of pollutants. Permit requirements for the storm water pollution prevention plan were designed for maximum flexibility to allow the development of the needed storm water controls based on the specifics of the site. Some of the factors to consider when developing the plan include: materials stored on-site; spill potential; exposure levels; local development requirements and/or building codes; precipitation patterns for the area; soil types; slopes; sensitivity of nearby water bodies; and safety concerns of the storm water controls (i.e., potential safety hazards of water in storm water retention ponds to humans and wildlife; and the potential of drawing birds to retention ponds and the hazards they pose to aircraft).

Permittees covered under the expiring general permit, and continuing coverage under the proposed permit, must update their plans, if necessary, to comply with the requirements of the new permit. The plan shall be updated within 30 days of the effective date of the new permit.

A table listing common BMPs and their uses is included in Attachment A of this Statement of Basis. The department also intends to post information on BMPs on their website ([www.state.sd.us/denr/des/surfacewater/stormwater.htm](http://www.state.sd.us/denr/des/surfacewater/stormwater.htm)), which will list some examples of pollution prevention measures or BMPs which are most applicable to specific industrial activities. Please note that this information is meant as guidance in selecting BMPs at a permitted site; the permittee is responsible for ensuring that measures implemented at the site are appropriate for controlling the pollutants of concern.

## **SELF-MONITORING REQUIREMENTS**

### **Comprehensive Site Compliance Evaluations**

The permittee must conduct a comprehensive site compliance evaluation at least **once a year**. The evaluations shall include visual inspections of all areas contributing to a storm water discharge for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented or whether additional control measures are needed. Structural controls, sediment and erosion controls, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.

Based on the results of the evaluation, the plan must be revised within two weeks of the inspection to reflect any changes in the description of potential pollutant sources identified in the



plan. Within 12 weeks after the evaluation, any necessary changes in pollution control measures shall be implemented. Where a report does not identify any incidents of non-compliance, the permittee shall certify the facility is in compliance with the plan and the permit.

### **Inspections**

The permittee must ensure that personnel familiar with the permit conditions and the pollution prevention plan inspect the site at least **once every two months\***. At least one inspection each calendar year should be conducted while storm water is discharging from the facility. The inspections shall include all areas that generate or are exposed to storm water runoff, including but not limited to structural control measures, areas used for storage of materials, and other areas of concern. These areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural control measures shall be inspected to ensure that they are operating correctly and to determine if maintenance is needed. For all of these inspections, records must be kept on file and made available upon request.

Based on the results of the inspections, the pollution prevention plan shall be revised and modified as appropriate, and modification of control measures shall be implemented in a timely manner, but in no case more than seven days after the inspection.

**\* Effective January 15, 2004, the permit was modified to require inspections at least semi-annually.**

### **Sampling**

This permit does not require effluent monitoring as a permit requirement nor as an application requirement. An adequate, fully implemented Storm Water Pollution Prevention Plan should be sufficient to control water quality impacts. Therefore, sampling and testing of storm water for specific parameters is not required on a routine basis under this permit. However, the department reserves the right to require sampling and testing on a case-by-case basis, in the event there is reason to suspect that compliance with the storm water pollution prevention plan is a problem or to measure the effectiveness of the BMPs in removing pollutants in the effluent.

Please note: there are exceptions to the sampling requirements. The proposed permit includes additional requirements for coal pile runoff and spill response.

## **MANAGEMENT REQUIREMENTS**

The pollution prevention plan and a copy of DENR's letter granting coverage under this permit must be maintained on site or made readily available from the date industrial activities are initiated. The permittee shall retain copies of storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the Notices of Intent and Termination for this permit, for a period of at least three years from the date that coverage is terminated. This period may be extended by request of the department at any time.

The storm water pollution prevention plan is not included with the NOI submittal. If requested, the permittee shall submit the plan to the department. If storm water is discharged into a municipal separate storm sewer system (MS4), the permittee shall also submit the storm water pollution prevention plan to the municipal operator upon request.

### **ENDANGERED SPECIES**

No listed endangered species are expected to be impacted by the activities related to this general permit.

### **GENERAL PERMIT DURATION**

The permit shall be five years in duration. Periodically during the term of this permit and at the time of renewal, the permittee may be requested to reaffirm the eligibility of the permitted site to discharge under this general permit.

### **PERMIT CONTACT**

Any questions pertaining to this Statement of Basis can be directed to Stacy J. Reed, P.E., Natural Resources Project Engineer at 1-800-SDSTORM (737-8676).

June 13, 2003

**ATTACHMENT A**

<b>Material, Area, or Activity</b>	<b>Common BMPs</b>
Storage areas/stockpiled materials (for materials including raw, intermediate and finished product)	<ul style="list-style-type: none"> <li>• Cover and/or enclose stored materials to prevent contact.</li> <li>• Divert storm water around storage areas.</li> <li>• Stack/pile material to minimize surface area exposed to precipitation.</li> <li>• Practice good housekeeping measures such as frequent removal of debris.</li> <li>• Install treatment measures to remove pollutants from runoff prior to discharge from the site.</li> </ul>
Waste storage areas	<ul style="list-style-type: none"> <li>• Minimize waste generated at the site.</li> <li>• Store indoors or in covered dumpsters or under other types of cover.</li> <li>• Divert storm water around areas.</li> <li>• Install treatment devices to remove pollutants from runoff prior to discharge from the site.</li> </ul>
Loading/unloading and other material handling areas	<ul style="list-style-type: none"> <li>• Cover loading and unloading areas.</li> <li>• Divert storm water around areas.</li> <li>• Where dust is likely to be generated during material handling, install equipment or change methods of handling to minimize or eliminate dust generation.</li> <li>• If liquid materials are being loaded or unloaded and if loading/unloading areas drain to storm sewer inlets, prevent material from getting into the storm sewer inlets.</li> <li>• Install treatment measures to remove pollutants from runoff prior to discharge from the site.</li> </ul>

<b>Material, Area, or Activity</b>	<b>Common BMPs</b>
Outdoor storage tanks or drums of fuel, lubricants, solvents.	<ul style="list-style-type: none"> <li>• Store drums inside (if allowed by Fire Marshall or insurer).</li> <li>• Prepare and train appropriate employees in dealing with spills and leaks properly, use dry clean-up methods when possible.</li> <li>• Install impervious surface underneath drums.</li> <li>• Prevent run-on to and runoff from tank and drum storage areas, provide adequate containment to hold spills and leaks.</li> </ul>
Obsolete equipment stored outside	<ul style="list-style-type: none"> <li>• When possible, dispose of unused equipment properly or move indoors.</li> <li>• Drain fluids from equipment &amp; dispose of properly.</li> <li>• Cover equipment.</li> <li>• Divert storm water around equipment.</li> </ul>
Floor, sink, or process wastewater connected to a storm sewer	<ul style="list-style-type: none"> <li>• Inspect and test floor, sink and process wastewater drains for proper connections</li> <li>• Remove any connections to storm sewers or waters of the state.</li> </ul>
Exterior vehicle and equipment washing	<ul style="list-style-type: none"> <li>• Conduct washing indoors or in a covered area.</li> <li>• Contain and recycle washwaters.</li> <li>• Discharge washwaters to sanitary sewer with permission of the receiving wastewater treatment authority.</li> <li>• Do not allow off-site discharge of washwater.</li> <li>• Evaluate washwater from steam cleaning of parts contaminated with oils, greases or solvents that is not recycled to determine if it is hazardous. Dispose of hazardous sludge and washwater appropriately.</li> </ul>

<b>Material, Area, or Activity</b>	<b>Common BMPs</b>
Fueling areas	<ul style="list-style-type: none"> <li>• Minimize run-on of storm water into the fueling area.</li> <li>• Use dry clean-up methods for fuel area rather than hosing down the fuel area.</li> <li>• Train appropriate employees on proper fueling practices.</li> <li>• Install treatment devices to remove pollutants from runoff before it discharges from the site.</li> </ul>
Vehicle and equipment dismantling and maintenance	<ul style="list-style-type: none"> <li>• Prevent spills during dismantling process.</li> <li>• Contain any leaking or dripping fluids.</li> <li>• Store dismantled vehicles and equipment and parts out of concentrated storm water flows (ditches, channels).</li> <li>• Cover parts that have been contaminated with oils, greases or solvents.</li> <li>• Store batteries in a nonleaking, covered container.</li> <li>• Promptly transfer used fluids to the proper closed container; empty drip pans when they fill.</li> </ul>
Spills of liquid material	<ul style="list-style-type: none"> <li>• Stop the source of the spill immediately.</li> <li>• Contain the liquid until cleanup is complete.</li> <li>• Deploy oil containment booms if the spill may reach waters of the state or drainageways to waters of the state.</li> <li>• Cover the spill with absorbent material.</li> <li>• Dispose of cleanup materials properly.</li> <li>• Report the spill to the Duty Officer, when appropriate.</li> <li>• Report the spill to DENR in accordance with the permit requirements.</li> </ul>

<b>Material, Area, or Activity</b>	<b>Common BMPs</b>
Areas of the facility with unstabilized soils subject to erosion.	<ul style="list-style-type: none"> <li>• Minimize run-on from adjacent areas.</li> <li>• Seed and mulch or sod low traffic areas.</li> <li>• Stabilize high traffic areas including vehicle entrances, exits, loading, unloading and vehicle storage areas.</li> <li>• Prevent sediment from unstabilized areas from leaving the site.</li> <li>• Install treatment devices to remove pollutants from the runoff prior to discharge from the site.</li> </ul>
Surface preparation, paint removal and paint spraying	<ul style="list-style-type: none"> <li>• Enclose, cover, or contain blasting, sanding, and spray painting activities to the extent practical.</li> <li>• Collect spent abrasives routinely and store under a cover to await proper disposal. Evaluate spent abrasives and removed paint to determine if it is hazardous. Test waste material for lead content and dispose of waste material properly.</li> </ul>